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Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Chapters of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to specific Territories not covered by other agenda items

Report of the Special Political and Decolonization Committee (Fourth Committee)

Rapporteur: Mr. Damien **Cole** (Ireland)

I. Introduction

1. At its 2nd plenary meeting, on 19 September 2003, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-eighth session the item entitled "Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples" and to refer to the Special Political and Decolonization Committee (Fourth Committee) those chapters of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples[1] relating to specific Territories.

2. At its 1st meeting, on 29 September 2003, the Fourth Committee decided to hold a general debate covering agenda items 19, 87, 88, 89 and 12, and 90. The general debate on the items was held at the 2nd to 5th meetings, on 6, 7, 8 and 10 October (see A/C.4/58/SR.2-5). The Committee took action on item 19 at its 7th and 9th meetings, on 14 and 16 October (see A/C.4/58/SR.7 and 9).

3. The chapters of the report of the Special Committee[1] concerning the Territories that were not covered by other agenda items related to the following Territories:

[1] To be issued in *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 23* (A/58/23).

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Territory	*Relevant chapter of the report of the Special Committee*
Gibraltar	A/58/23 (Part II), chapter VIII
New Caledonia	
Western Sahara	
American Samoa	A/58/23 (Part II), chapter IX
Anguilla	
Bermuda	
British Virgin Islands	
Cayman Islands	
Guam	
Montserrat	
Pitcairn	
St. Helena	
Turks and Caicos Islands	
United States Virgin Islands	
Tokelau	A/58/23 (Part II), chapter X

4. For its consideration of the item, the Fourth Committee also had before it the report of the Secretary-General on the question of Western Sahara (A/58/171).

5. At the 2nd meeting, on 6 October, the Rapporteur of the Special Committee made a statement in which he gave an account of the relevant activities of the Special Committee during 2003 (see A/C.4/58/SR.2). He also drew attention to the chapters of the report of the Special Committee referred to in paragraph 3 above, and chapter XII (A/58/23 (Part III)), containing, inter alia, the related draft resolutions submitted by the Special Committee for the consideration of the Fourth Committee.

6. At the same meeting, the representative of Côte d'Ivoire made a statement in his capacity as Acting Chairman of the Special Committee (see A/C.4/58/SR.2).

7. At its 3rd meeting, on 7 October, the Fourth Committee granted requests for hearing to the following petitioners in connection with its consideration of the item:

(a) Joe J. Bossano, Leader of the Opposition, Gibraltar (A/C.4/58/2);

(b) Daniel Anthony Feetham, Leader of the Labour Party, Gibraltar (A/C.4/58/2/Add.1);

(c) Connor O'Dea, President, Cayman Islands Chamber of Commerce (A/C.4/58/3);

(d) Antonio López Ortiz, Secretary of the Federación Estatal de Instituciones Solidarias con el Pueblo Saharaui, Spain (A/C.4/58/4);

(e) Felipe Briones Vives, International Association of Jurists for Western Sahara (A/C.4/58/4/Add.1);

(f) Txomin Aurrekoetxea, Member of the Basque Parliament (A/C.4/58/4/Add.2);

(g) Inés Miranda Navarro, attorney and member, Bar Association of Las Palmas, Spain (A/C.4/58/4/Add.3);

(h) Ahmed Boukhari, Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente POLISARIO) (A/C.4/58/4/Add.4);

(i) Soledad Monzón Cabrera, member, Congress of Las Palmas (A/C.4/58/4/Add.5);

(j) Alejandro Javier Rodriguez Carrión, Professor, International Law, University of Málaga, Spain (A/C.4/58/4/Add.6);

(k) Hilt Teuwen, Oxfam Solidarity, Belgium (A/C.4/58/4/Add.7);

(l) Miquel Mayol i Raynal, Member of the European Parliament (A/C.4/58/4/Add.8);

(m) Vanessa Ramos, Secretary General, American Association of Jurists (A/C.4/58/4/Add.9).

8. At the 4th meeting, on 8 October, with the Committee's consent and in accordance with established practice, the Chief Minister of Gibraltar, Peter Caruana, made a statement (see A/C.4/58/SR.4).

9. At the same meeting, the Leader of the Opposition in Gibraltar, Joe J. Bossano, made a statement (see A/C.4/58/SR.4).

10. At the same meeting, the Committee heard the following petitioners: Daniel Anthony Feetham, Sophia Ann Harris (on behalf of Connor O'Dea), Ahmed Boukhari, Antonio López Ortiz, Felipe Briones Vives, Hilt Teuwen and Miquel Mayol i Raynal (see A/C.4/58/SR.4).

11. At its 5th meeting, on 10 October, the Committee heard the following petitioners: Txomin Aurrekoetxea, Inés Miranda Navarro, Soledad Monzón Cabrera, Alejandro Javier Rodriguez Carrión and Vanessa Ramos (see A/C.4/58/SR.5).

12. At the 7th meeting, on 14 October, the Chairman stated that the Secretariat had informed him that there were no programme budget implications of the proposals relating to Western Sahara, New Caledonia, and American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, St. Helena, Tokelau, the Turks and Caicos Islands and the United States Virgin Islands.

II. Consideration of proposals

A. New Caledonia

13. At its 7th meeting, on 14 October, the Committee adopted the draft resolution entitled "Question of New Caledonia", contained in chapter XII, section D, of the report of the Special Committee (see A/58/23 (Part III)), without a vote (see para. 26, draft resolution I).

B. Tokelau

14. At its 7th meeting, on 14 October, the Committee adopted the draft resolution entitled "Question of Tokelau", contained in chapter XII, section E, of the report of the Special Committee (see A/58/23 (Part III)), without a vote (see para. 26, draft resolution II).

C. American Samoa, Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Guam, Montserrat, Pitcairn, St. Helena, Turks and Caicos Islands and United States Virgin Islands

15. At its 7th meeting, on 14 October, the Committee adopted the consolidated draft resolution entitled "Questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, St. Helena, the Turks and Caicos Islands and the United States Virgin Islands", contained in chapter XII, section F, of the report of the Special Committee (A/58/23 (Part III)), without a vote (see para. 26, draft resolution III).

16. After the adoption of the draft resolution, statements in explanation of position were made by the representatives of Argentina, Spain and the United Kingdom of Great Britain and Northern Ireland (see A/C.4/58/SR.7).

D. Western Sahara

17. At its 7th meeting, on 14 October, the Committee had before it a draft resolution entitled "Question of Western Sahara" (A/C.4/58/L.4), submitted by Algeria, Angola, Barbados, Fiji, Grenada, Haiti, Lesotho, Mozambique, Namibia, Nigeria, Saint Vincent and the Grenadines, South Africa, Timor-Leste, Uganda, the United Republic of Tanzania, Zambia and Zimbabwe, subsequently joined by Antigua and Barbuda, Belize, Burundi, Ethiopia, Jamaica, Kenya, the Federated States of Micronesia, Saint Lucia, Sierra Leone and Trinidad and Tobago. Draft resolution A/C.4/58/L.4 read:

> "*The General Assembly*,
>
> "*Having considered in depth* the question of Western Sahara,
>
> "*Reaffirming* the inalienable right of all peoples to self-determination and independence, in accordance with the principles set forth in the Charter of the United Nations and General Assembly resolution 1514 (XV) of 14 December

1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

"*Recalling* its resolution 57/135 of 11 December 2002,

"*Recalling also* all resolutions of the General Assembly and the Security Council on the question of Western Sahara,

"*Recalling further* Security Council resolutions 658 (1990) and 690 (1991) by which the Security Council approved the settlement plan for Western Sahara,

"*Recalling* Security Council resolution 1359 (2001) as well as resolution 1429 (2002) and resolution 1495 (2003), in which the Council expressed its strong support of the Peace plan for self-determination of the people of Western Sahara,

"*Reaffirming* the responsibility of the United Nations towards the people of Western Sahara,

"*Noting with satisfaction* the entry into force of the ceasefire in accordance with the proposal made by the Secretary-General, and stressing the importance it attaches to the maintenance of the ceasefire as an integral part of the settlement plan,

"*Underlining*, in this regard, the validity of the settlement plan, while noting the fundamental differences between the parties in its implementation,

"*Stressing* that the lack of progress in the settlement of the dispute on Western Sahara continues to cause suffering to the people of Western Sahara, remains a source of potential instability in the region and obstructs the economic development of the Maghreb region and that, in view of this, the search for a political solution is critically needed,

"*Welcoming* the efforts of the Secretary-General and his Personal Envoy in search of a mutually acceptable political solution, which will provide for self-determination of the people of Western Sahara,

"*Having examined* the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

"*Having also examined* the report of the Secretary-General,

"1. *Takes note* of the report of the Secretary-General;

"2. *Commends* the Secretary-General and his Personal Envoy for their outstanding efforts and the two parties for the spirit of cooperation they have shown in the support they provide for those efforts;

"3. *Continues to support strongly* the efforts of the Secretary-General and his Personal Envoy and similarly support their Peace plan for self-determination of the people of Western Sahara as an optimum political solution on the basis of agreement between the two parties;

"4. *Calls upon* the parties to work with the United Nations and with each other towards acceptance and implementation of the Peace plan;

"5. *Also calls upon* all the parties and the States of the region to cooperate fully with the Secretary-General and his Personal Envoy;

"6. *Reaffirms* the responsibility of the United Nations towards the people of Western Sahara;

"7. *Takes note* of the relevant resolutions of the Security Council, including resolution 1349 (2001); resolution 1359 (2001); resolution 1429 (2002); and resolution 1495 (2003);

"8. *Calls upon* the parties to cooperate with the International Committee of the Red Cross in its efforts to solve the problem of the fate of the people unaccounted for, and calls on the parties to abide by their obligations under international humanitarian law to release without further delay all those held since the start of the conflict;

"9. *Requests* the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara and to report thereon to the General Assembly at its fifty-ninth session;

"10. *Invites* the Secretary-General to submit to the General Assembly at its fifty-ninth session a report on the implementation of the present resolution."

18. At the same meeting, the Committee decided to defer action on draft resolution A/C.4/58/L.4 for 48 hours.

19. At the 9th meeting, on 16 October, the Chairman drew the attention of the Committee to a draft resolution submitted by the Chairman entitled "Question of Western Sahara" (A/C.4/58/L.6).

20. At the same meeting, the Committee decided to replace draft resolution A/C.4/58/L.4 with the draft resolution proposed by the Chairman (A/C.4/58/L.6).

21. At the same meeting, the Chairman orally amended the seventh preambular paragraph by adding commas before and after the words "concerning the peace plan".

22. At the same meeting, the Committee adopted draft resolution A/C.4/58/L.6, as orally amended, without a vote (see para. 26, draft resolution IV).

23. Also at the same meeting, after the adoption of the draft resolution, a statement in explanation of position was made by the representative of Italy, on behalf of the States Members of the United Nations that are members of the European Union; statements were also made by the representatives of Morocco and Algeria (see A/C.4/58/SR.9).

E. Gibraltar

24. At its 7th meeting, on 14 October, the Committee had before it a draft decision entitled "Question of Gibraltar" (A/C.4/58/L.3), submitted by the Chairman.

25. At the same meeting, the Committee adopted draft decision A/C.4/58/L.3 without a vote (see para. 27).

III. Recommendations of the Special Political and Decolonization Committee (Fourth Committee)

26. The Special Political and Decolonization Committee (Fourth Committee) recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Question of New Caledonia

The General Assembly,

Having considered the question of New Caledonia,

Having examined the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to New Caledonia,[1]

Reaffirming the right of peoples to self-determination as enshrined in the Charter of the United Nations,

Recalling its resolutions 1514 (XV) of 14 December 1960 and 1541 (XV) of 15 December 1960,

Noting the importance of the positive measures being pursued in New Caledonia by the French authorities, in cooperation with all sectors of the population, to promote political, economic and social development in the Territory, including measures in the area of environmental protection and action with respect to drug abuse and trafficking, in order to provide a framework for its peaceful progress to self-determination,

Noting also, in this context, the importance of equitable economic and social development, as well as continued dialogue among the parties involved in New Caledonia in the preparation of the act of self-determination of New Caledonia,

Noting with satisfaction the intensification of contacts between New Caledonia and neighbouring countries of the South Pacific region,

1. *Welcomes* the significant developments that have taken place in New Caledonia as exemplified by the signing of the Nouméa Accord of 5 May 1998 by the representatives of New Caledonia and the Government of France;[2]

2. *Urges* all the parties involved, in the interest of all the people of New Caledonia, to maintain, in the framework of the Nouméa Accord, their dialogue in a spirit of harmony;

3. *Notes* the relevant provisions of the Nouméa Accord aimed at taking more broadly into account the Kanak identity in the political and social organization of New Caledonia, and also those provisions of the Accord relating to control of immigration and protection of local employment;

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[1] A/58/23 (Part II), chap. VIII. For the final text, see *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 23*.

[2] A/AC.109/2114, annex.

4. *Also notes* the relevant provisions of the Nouméa Accord to the effect that New Caledonia may become a member or associate member of certain international organizations, such as international organizations in the Pacific region, the United Nations, the United National Educational, Scientific and Cultural Organization and the International Labour Organization, according to their regulations;

5. *Further notes* the agreement between the signatories of the Nouméa Accord that the progress made in the emancipation process shall be brought to the attention of the United Nations;

6. *Welcomes* the fact that the administering Power invited to New Caledonia, at the time the new institutions were established, a mission of information which comprised representatives of countries of the Pacific region;

7. *Calls upon* the administering Power to transmit information regarding the political, economic and social situation of New Caledonia to the Secretary-General;

8. *Invites* all the parties involved to continue promoting a framework for the peaceful progress of the Territory towards an act of self-determination in which all options are open and which would safeguard the rights of all New Caledonians according to the letter and the spirit of the Nouméa Accord, which is based on the principle that it is for the populations of New Caledonia to choose how to control their destiny;

9. *Welcomes* measures that have been taken to strengthen and diversify the New Caledonian economy in all fields, and encourages further such measures in accordance with the spirit of the Matignon and Nouméa Accords;

10. *Also welcomes* the importance attached by the parties to the Matignon and Nouméa Accords to greater progress in housing, employment, training, education and health care in New Caledonia;

11. *Acknowledges* the contribution of the Melanesian Cultural Centre to the protection of the indigenous culture of New Caledonia;

12. *Notes* the positive initiatives aimed at protecting the natural environment of New Caledonia, notably the "Zonéco" operation designed to map and evaluate marine resources within the economic zone of New Caledonia;

13. *Acknowledges* the close links between New Caledonia and the peoples of the South Pacific and the positive actions being taken by the French and territorial authorities to facilitate the further development of those links, including the development of closer relations with the countries members of the Pacific Islands Forum;

14. *Welcomes*, in this regard, the accession by New Caledonia to the status of observer in the Pacific Islands Forum, continuing high-level visits to New Caledonia by delegations from countries of the Pacific region and high-level visits by delegations from New Caledonia to countries members of the Pacific Islands Forum;

15. *Decides* to keep under continuous review the process unfolding in New Caledonia as a result of the signing of the Nouméa Accord;

16. *Requests* the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial

Countries and Peoples to continue to examine the question of the Non-Self-Governing Territory of New Caledonia and to report thereon to the General Assembly at its fifty-ninth session.

Draft resolution II
Question of Tokelau

The General Assembly,

Having considered the question of Tokelau,

Having examined the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to Tokelau,[1]

Recalling the solemn declaration on the future status of Tokelau, contained in the 1994 "Voice of Tokelau", which stated that an act of self-determination in Tokelau was under active consideration, together with the constitution of a self-governing Tokelau, and that the then preference of Tokelau was for a status of free association with New Zealand,

Recalling also its resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and all resolutions and decisions of the United Nations relating to Non-Self-Governing Territories, in particular General Assembly resolution 57/137 of 11 December 2002,

Recalling further the emphasis placed in the solemn declaration on the terms of Tokelau's special relationship with New Zealand, including the expectation that the form of help that Tokelau could continue to expect from New Zealand in promoting the well-being of its people, besides its external interests, would be clearly established within the framework of that relationship,

Noting with appreciation the continuing exemplary cooperation of New Zealand as the administering Power with regard to the work of the Special Committee relating to Tokelau and its readiness to permit access by United Nations visiting missions to the Territory,

Noting also with appreciation the collaborative contribution to the development of Tokelau by New Zealand and the specialized agencies and other organizations of the United Nations system, in particular the United Nations Development Programme and the World Health Organization,

Recalling the dispatch in August 2002 of a United Nations Mission to Tokelau, at the invitation of the Government of New Zealand and the representatives of Tokelau,

Recalling also the report of the United Nations Mission to Tokelau, 2002,[2]

Noting that, as a small island Territory, Tokelau exemplifies the situation of most remaining Non-Self-Governing Territories,

Noting also that, as a case study pointing to successful cooperation for decolonization, Tokelau has wider significance for the United Nations as it seeks to complete its work in decolonization,

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[1] A/58/23 (Part II), chap. X. For the final text, see *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 23*.

[2] A/AC.109/2002/31.

1. *Notes* that Tokelau remains firmly committed to the development of self-government and to an act of self-determination that would result in Tokelau assuming a status in accordance with the options on future status for Non-Self-Governing Territories contained in principle VI of the annex to General Assembly resolution 1541 (XV) of 15 December 1960;

2. *Also notes* the desire of Tokelau to move at its own pace towards an act of self-determination;

3. *Further notes* the inauguration in 1999 of a national Government based on village elections by universal adult suffrage;

4. *Acknowledges* Tokelau's goal to return authority to its traditional leadership, and its wish to provide that leadership with the necessary support to carry out its functions in the contemporary world;

5. *Acknowledges also* the progress made towards that goal under the Modern House of Tokelau project, and welcomes the decision taken by the General Fono in June 2003 to set a target date of 30 June 2004 for the transfer to each Taupulega (Village Council) of full responsibility for the management of all its public services;

6. *Further acknowledges* Tokelau's initiative in devising a strategic economic development plan for the period 2002-2004 to advance its capacity for self-government;

7. *Notes* that, consistent with the expressed desires of past traditional leaders and the principles of the Modern House of Tokelau, Tokelau has established a local public service employer;

8. *Welcomes* the continuing dialogue with the administering Power and the Territory with a view to the development of a programme of work for Tokelau in accordance with General Assembly resolution 55/147 of 8 December 2000;

9. *Acknowledges* the continuing support that New Zealand has committed to the Modern House of Tokelau project in 2002-2003, and the cooperation of the United Nations Development Programme in aligning its programmes under the project;

10. *Notes* that the Constitution of a self-governing Tokelau will continue to develop as a part and as a consequence of the building of the Modern House of Tokelau, and that both have national and international importance for Tokelau;

11. *Acknowledges* Tokelau's need for continued reassurance, given the cultural adjustments that are taking place with the strengthening of its capacity for self-government and, since local resources cannot adequately cover the material side of self-determination, the ongoing responsibility of Tokelau's external partners to assist Tokelau in balancing its desire to be self-reliant to the greatest extent possible with its need for external assistance;

12. *Notes* the special challenge inherent in the situation of Tokelau, among the smallest of the small Territories, and that a Territory's exercise of its inalienable right to self-determination may be brought closer, as in the case of Tokelau, by the meeting of that challenge in innovative ways;

13. *Acknowledges* the desire of the partners to reaffirm their commitment to each other, and welcomes the agreement reached in Wellington on 19 June 2003 on the text of an agreement on the principles underpinning the relationship for which the formal approval of the Government of New Zealand is being sought;

14. *Welcomes* the assurance of the Government of New Zealand that it will meet its obligations to the United Nations with respect to Tokelau and abide by the freely expressed wishes of the people of Tokelau with regard to their future status;

15. *Also welcomes* the cooperative attitude of the other States and Territories in the region towards Tokelau, its economic and political aspirations and its increasing participation in regional and international affairs;

16. *Further welcomes* Tokelau's associate membership in the United Nations Educational, Scientific and Cultural Organization and its recent accession to associate membership in the Forum Fisheries Agency;

17. *Reaffirms its approval* of the report of the United Nations Mission to Tokelau, 2002;[2]

18. *Notes* that a study to review the options for Tokelau's future self-determination is recommended in the report, and further notes the willingness expressed by the United Nations Development Programme to assist in this regard upon request from Tokelau;

19. *Calls upon* New Zealand and Tokelau to consider developing an information programme to apprise the population of Tokelau of the nature of self-determination, including the three options of integration, free association and independence, so that it may be better prepared to face a future decision on this matter, and welcomes the invitation extended to the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to attend the constitutional convention to be held in Tokelau;

20. *Calls upon* the administering Power and United Nations agencies to continue to provide assistance to Tokelau as it further develops its economy and governance structures in the context of its ongoing constitutional evolution;

21. *Requests* the Special Committee to continue to examine the question of the Non-Self-Governing Territory of Tokelau and to report thereon to the General Assembly at its fifty-ninth session.

Draft resolution III
Questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, Saint Helena, the Turks and Caicos Islands and the United States Virgin Islands

A
General

The General Assembly,

Having considered the questions of the Non-Self-Governing Territories of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, Saint Helena, the Turks and Caicos Islands and the United States Virgin Islands, hereinafter referred to as "the Territories",

Having examined the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,[1]

Recalling its resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and all resolutions and decisions of the United Nations relating to those Territories, including, in particular, the resolutions adopted by the General Assembly at its fifty-seventh session on the individual Territories covered by the present resolution,

Recognizing that in the decolonization process there is no alternative to the principle of self-determination as enunciated by the General Assembly in its resolutions 1514 (XV), 1541 (XV) and other resolutions,

Recognizing also that all available options for self-determination of the Territories are valid as long as they are in accordance with the freely expressed wishes of the peoples concerned and in conformity with the clearly defined principles contained in resolutions 1514 (XV), 1541 (XV) and other resolutions of the General Assembly,

Recalling its resolution 1541 (XV) of 15 December 1960, containing the principles that should guide Member States in determining whether or not an obligation exists to transmit the information called for under Article 73 *e* of the Charter of the United Nations,

Expressing its concern that more than forty years after the adoption of the Declaration there still remains a number of Non-Self-Governing Territories,

Conscious of the importance of continuing effective implementation of the Declaration, taking into account the target set by the United Nations to eradicate colonialism by 2010 and the plan of action for the Second International Decade for the Eradication of Colonialism,[2]

Recognizing that the specific characteristics and the sentiments of the peoples of the Territories require flexible, practical and innovative approaches to the options

[1] A/58/23 (Part II), chap. IX. For the final text, see *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 23*.

[2] See A/56/61, annex.

of self-determination, without any prejudice to territorial size, geographical location, size of population or natural resources,

Welcoming the stated position of the Government of the United Kingdom of Great Britain and Northern Ireland that it continues to take seriously its obligations under the Charter to develop self-government in the dependent Territories and, in cooperation with the locally elected Governments, to ensure that their constitutional frameworks continue to meet the wishes of the people, and the emphasis that it is ultimately for the peoples of the Territories to decide their future status,

Welcoming also the stated position of the Government of the United States of America that it supports fully the principles of decolonization and takes seriously its obligations under the Charter to promote to the utmost the well-being of the inhabitants of the Territories under United States administration,

Noting the constitutional developments in some Non-Self-Governing Territories about which the Special Committee has received information,

Aware of the usefulness both to the Territories and to the Special Committee of the participation of elected and appointed representatives of the Territories in the work of the Special Committee,

Convinced that the wishes and aspirations of the peoples of the Territories should continue to guide the development of their future political status and that referendums, free and fair elections and other forms of popular consultation play an important role in ascertaining the wishes and aspirations of the people,

Convinced also that any negotiations to determine the status of a Territory must take place with the active involvement and participation of the people of that Territory, and that the views of the peoples of the Non-Self-Governing Territories in respect of their right to self-determination should be ascertained under the supervision of the United Nations, on a case-by-case basis,

Mindful that United Nations visiting missions provide an effective means of ascertaining the situation in the Territories, that some Territories have not received a United Nations visiting mission for a long time and that no visiting missions have been sent to some of the Territories, and considering the possibility of sending further visiting missions to the Territories at an appropriate time and in consultation with the administering Powers,

Mindful also that, in order for the Special Committee to enhance its understanding of the political status of the peoples of the Territories and to fulfil its mandate effectively, it is important for it to be apprised by the administering Powers and to receive information from other appropriate sources, including the representatives of the Territories, concerning the wishes and aspirations of the peoples of the Territories,

Recognizing the need for the Special Committee to embark actively on a public awareness campaign aimed at assisting the peoples of the Territories in gaining an understanding of the options of self-determination,

Mindful, in this connection, that the holding of regional seminars in the Caribbean and Pacific regions and at Headquarters and other venues, with the active participation of representatives of the Non-Self-Governing Territories, provides a helpful means for the Special Committee to fulfil its mandate, and that the regional

nature of the seminars, which alternate between the Caribbean and the Pacific, is a crucial element in their success, while recognizing the need for reviewing the role of those seminars in the context of a United Nations programme for ascertaining the political status of the Territories,

Mindful also that, by holding a Caribbean regional seminar at The Valley, Anguilla, from 20 to 22 May 2003, the Special Committee was able to hear the views of the representatives of the Territories and Member States as well as organizations and experts in the region, in order to review the political, economic and social conditions in the Territories,

Aware of the special circumstances of the geographical location and economic conditions of each Territory, and bearing in mind the necessity of promoting economic stability and diversifying and strengthening further the economies of the respective Territories as a matter of priority,

Conscious of the particular vulnerability of the Territories to natural disasters and environmental degradation and, in this connection, bearing in mind the programmes of action of the United Nations Conference on Environment and Development,[3] the World Conference on Natural Disaster Reduction,[4] the Global Conference on the Sustainable Development of Small Island Developing States,[5] the International Conference on Population and Development,[6] the United Nations Conference on Human Settlements (Habitat II),[7] the World Summit on Sustainable Development[8] and other relevant world conferences,

Noting with appreciation the contribution to the development of some Territories by specialized agencies and other organizations of the United Nations system, in particular the United Nations Development Programme, and regional institutions such as the Caribbean Development Bank, the Caribbean Community, the Organization of Eastern Caribbean States, the Pacific Islands Forum and the agencies of the Council of Regional Organizations in the Pacific,

Noting that some territorial Governments have made efforts towards achieving the highest standards of financial supervision,

Concerned that in 2002 economic growth slowed in many Non-Self-Governing Territories, in particular in the tourism and construction sectors,

Recalling the ongoing efforts of the Special Committee in carrying out a critical review of its work with the aim of making appropriate and constructive

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[3] See *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992* (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: *Resolutions adopted by the Conference*.

[4] See A/CONF.172/9, chap. I.

[5] See *Report of the Global Conference on the Sustainable Development of Small Island Developing States, Bridgetown, Barbados, 25 April-6 May 1994* (United Nations publication, Sales No. E.94.I.18 and corrigenda), chap. I.

[6] *Report of the International Conference on Population and Development, Cairo, 5-13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.

[7] *Report of the United Nations Conference on Human Settlements (Habitat II), Istanbul, 3-14 June 1996* (United Nations publication, Sales No. E.97.IV.6), chap. I, resolution 1, annex II.

[8] See *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum).

recommendations and decisions to attain its objectives in accordance with its mandate,

1. *Reaffirms* the inalienable right of the peoples of the Territories to self-determination, in conformity with the Charter of the United Nations and with General Assembly resolution 1514 (XV), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples;

2. *Reaffirms also* that, in the process of decolonization, there is no alternative to the principle of self-determination, which is also a fundamental human right;

3. *Reaffirms further* that it is ultimately for the peoples of the Territories themselves to determine freely their future political status in accordance with the relevant provisions of the Charter, the Declaration and the relevant resolutions of the General Assembly, and in that connection calls upon the administering Powers, in cooperation with the territorial Governments, to facilitate programmes of political education in the Territories in order to foster an awareness among the people of their right to self-determination in conformity with the legitimate political status options, based on the principles clearly defined in General Assembly resolution 1541 (XV);

4. *Requests* the administering Powers to transmit to the Secretary-General information called for under Article 73 *e* of the Charter and other updated information and reports, including reports on the wishes and aspirations of the peoples of the Territories regarding their future political status as expressed in fair and free referendums and other forms of popular consultation, as well as the results of any informed and democratic processes consistent with practice under the Charter that indicate the clear and freely expressed wish of the people to change the existing status of the Territories;

5. *Stresses* the importance for it to be apprised of the views and wishes of the peoples of the Territories and to enhance its understanding of their conditions;

6. *Reaffirms* that United Nations visiting missions to the Territories at an appropriate time and in consultation with the administering Powers are an effective means of ascertaining the situation in the Territories, and requests the administering Powers and the elected representatives of the peoples of the Territories to facilitate the work of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in this regard;

7. *Reaffirms also* the responsibility of the administering Powers under the Charter to promote the economic and social development and to preserve the cultural identity of the Territories, and recommends that priority continue to be given, in consultation with the territorial Governments concerned, to the strengthening and diversification of their respective economies;

8. *Requests* the Territories and the administering Powers to take all necessary measures to protect and conserve the environment of the Territories against any environmental degradation, and once again requests the specialized agencies concerned to continue to monitor environmental conditions in those Territories;

9. *Calls upon* the administering Powers, in cooperation with the respective territorial Governments, to continue to take all necessary measures to counter problems related to drug trafficking, money-laundering and other offences;

10. *Notes* the cooperative efforts of some Non-Self-Governing Territories to address the problem of illegal drugs, with a focus on demand reduction, education, treatment and legal issues;

11. *Notes with concern* that the plan of action for the first International Decade for the Eradication of Colonialism[9] was not fully implemented by 2000, and stresses the importance of implementing the plan of action for the Second International Decade, in particular by expediting the application of the work programme for the decolonization of each Non-Self-Governing Territory, on a case-by-case basis;

12. *Invites* the administering Powers to participate fully in the work of the Special Committee and to enter into constructive dialogue with the Special Committee before the fifty-ninth session of the General Assembly in order to implement the provisions of Article 73 *e* of the Charter and the Declaration on the Granting of Independence to Colonial Countries and Peoples for the period 2001-2010;

13. *Urges* Member States to contribute to the efforts of the United Nations to usher in a world free of colonialism within the Second International Decade for the Eradication of Colonialism, and calls upon them to continue to give their full support to the Special Committee in its endeavours towards that noble goal;

14. *Urges also* the specialized agencies and other organizations of the United Nations system to initiate or to continue to take all necessary measures to accelerate progress in the economic and social life of the Territories, and calls for closer cooperation between the Special Committee and the Economic and Social Council in furtherance of the provision of assistance to the Territories;

15. *Notes* that some Non-Self-Governing Territories have expressed concern at the procedure followed by one administering Power, contrary to the wishes of the Territories themselves, namely, of amending or enacting legislation for the Territories through Orders in Council, in order to apply to the Territories the international treaty obligations of the administering Power;

16. *Takes note* of statements made by the elected representatives of the Territories concerned and other appropriate authorities emphasizing their willingness to cooperate in all international efforts aimed at preventing abuse of the international financial system and to promote regulatory environments with highly selective licensing procedures, robust supervisory practices and well-established anti-money-laundering regimes;

17. *Requests* the Secretary-General to report to the General Assembly on the implementation of decolonization resolutions since the declaration of the Second International Decade for the Eradication of Colonialism;

[9] See A/46/634/Rev.1 and Corr.1, annex.

18. *Requests* the Special Committee to continue to examine the question of the small Territories and to report thereon to the General Assembly at its fifty-ninth session with recommendations on appropriate ways to assist the peoples of the Territories in exercising their right to self-determination.

B
Individual Territories

The General Assembly,

Referring to resolution A above,

I. American Samoa

Taking note of the report by the administering Power that most American Samoan leaders express satisfaction with the Territory's present relationship with the United States of America, as reflected in statements made by those leaders in the regional seminars held in Havana, Cuba, and Nadi, Fiji, in 2001 and 2002, respectively,

Noting that the Government of the Territory continues to have financial, budgetary and internal control problems, but that it has recently taken steps to increase revenues and decrease government expenditures,

Noting also that the Territory, similar to isolated communities with limited funds, continues to experience a lack of adequate medical and other infrastructural facilities,

Aware of the efforts of the Government of the Territory to control and reduce expenditures, while continuing its programme of expanding and diversifying the local economy,

Concerned that massive flooding and mudslides in May 2003 resulted in loss of life and damage initially estimated by the territorial Government at more than $50 million, and taking note of the official request by the Territory for recovery assistance from the administering Power,

1. *Notes* that the Department of the Interior of the United States of America provides that the Secretary of the Interior has administrative jurisdiction over American Samoa;

2. *Calls upon* the administering Power to continue to assist the territorial Government in the economic and social development of the Territory, including measures to rebuild financial management capabilities and strengthen other governmental functions of the Government of the Territory, and welcomes the assistance from the administering Power to the Territory in its recovery efforts following the recent floods;

3. *Welcomes* the invitation extended to the Special Committee by the Governor of American Samoa to send a visiting mission to the Territory, and calls upon the administering Power to facilitate such a mission;

II. Anguilla

Noting the continuation of the conduct of the constitutional and electoral reform review process in the Territory,

Welcoming the holding of the 2003 Caribbean regional seminar in Anguilla, the first time that the seminar has been held in a Non-Self-Governing Territory,

Noting the desire of the territorial Government and the people of Anguilla for a visiting mission by the Special Committee,

Aware of the efforts of the Government of Anguilla to continue to develop the Territory as a viable offshore centre and well-regulated financial centre for investors, by enacting modern company and trust laws, as well as partnership and insurance legislation, and computerizing the company registry system,

Noting the need for continued cooperation between the administering Power and the territorial Government in tackling the problems of drug trafficking and money-laundering,

1. *Welcomes* the emphasis placed in the initial stages of the constitutional and electoral reform review process on participation, information and education and the support provided by the United Nations Development Programme and the United Kingdom Government fund for good government;

2. *Welcomes also* the cooperation of the territorial Government of Anguilla and the United Kingdom in holding the 2003 Caribbean regional seminar in Anguilla, and notes that the staging of the seminar in a Non-Self-Governing Territory for the first time as well as a town hall meeting between the people of Anguilla and the Special Committee during the seminar contributed to its success;

3. *Calls upon* the administering Power and all States, organizations and United Nations agencies to continue to assist the Territory in social and economic development;

III. Bermuda

Noting the results of the independence referendum held on 16 August 1995, and conscious of the different viewpoints of the political parties of the Territory on the future status of the Territory,

1. *Calls upon* the administering Power to continue to work with the Territory for its socio-economic development;

2. *Welcomes* the agreement reached in June 2002 between the United States of America, the United Kingdom of Great Britain and Northern Ireland and the Territory formally transferring the former military base lands to the territorial Government, and the provision of financial resources to address some of the environmental problems;

3. *Welcomes also* the convening in the Territory in March 2003 of an international conference on conservation in overseas territories and other small island States, which included governmental and non-governmental organizations to address issues of common concern;

IV. British Virgin Islands

Taking note of the steps currently being taken to review the Constitution with the aim of modernizing it,

Noting that the Territory continues to emerge as one of the world's leading offshore financial centres, and that the financial services sector is becoming the cornerstone of the Government's recurrent budget,

Noting also the need for continued cooperation between the administering Power and the territorial Government in countering drug trafficking and money-laundering,

Noting further that the Territory commemorated its annual British Virgin Islands-United States Virgin Islands Friendship Day on 31 May 2003 in Charlotte Amalie, St. Thomas,

Requests the administering Power, the specialized agencies and other organizations of the United Nations system and all financial institutions to continue to provide the Territory with assistance for socio-economic development and the development of human resources, bearing in mind the vulnerability of the Territory to external factors;

V. Cayman Islands

Noting the formation for the first time of a political party in the Territory and the subsequent emergence of a party system in the Territory,

Taking note of the constitutional review process being undertaken by the territorial Government in consultation with the administering Power,

Noting the actions taken by the territorial Government to promote increased participation by the local population in the decision-making process in the economic and social sectors in the Cayman Islands,

Aware that the Territory has one of the highest per capita incomes in the region, a stable political climate and has emerged as one of the world's leading offshore financial centres with virtually no unemployment,

Noting with concern the vulnerability of the Territory to drug trafficking, money-laundering and related activities, and noting the measures taken by the authorities to deal with those problems,

Noting the approval by the Cayman Islands Legislative Assembly of the Territory's Vision 2008 Development Plan, which aims to promote development that is consistent with the aims and values of Caymanian society,

1. *Welcomes* the completion of the report of the Constitutional Review Commission, which conducted an extensive review of the current Constitution, and the recommended changes, following public discussions with community groups and individuals, pursuant to the recommendations of the administering Power as stated in its White Paper entitled "Partnership for Progress and Prosperity: Britain and the Overseas Territories";[10]

2. *Requests* the administering Power, the specialized agencies and other organizations of the United Nations system to continue to provide the territorial Government with all required expertise to enable it to achieve its socio-economic aims;

[10] A/AC.109/1999/1 and Corr.1, annex.

3. *Requests* the administering Power, in consultation with the territorial Government, to continue to facilitate the expansion of the current programme of securing employment for the local population, in particular at the decision-making level;

VI. Guam

Recalling that, in a referendum held in 1987, the registered and eligible voters of Guam endorsed a draft Guam Commonwealth Act that would establish a new framework for relations between the Territory and the administering Power, providing for a greater measure of internal self-government for Guam and recognition of the right of the Chamorro people of Guam to self-determination for the Territory,

Recalling also the requests by the elected representatives and non-governmental organizations of the Territory that Guam not be removed from the list of the Non-Self-Governing Territories with which the Special Committee is concerned, pending the self-determination of the Chamorro people and taking into account their legitimate rights and interests,

Aware that negotiations between the administering Power and the territorial Government on the draft Guam Commonwealth Act are no longer continuing and that Guam has established the process for a self-determination vote by the eligible Chamorro voters,

Cognizant that the administering Power continues to implement its programme of transferring surplus federal land to the Government of Guam,

Noting that the people of the Territory have called for reform in the programme of the administering Power with respect to the thorough, unconditional and expeditious transfer of land property to the people of Guam,

Conscious that immigration into Guam has resulted in the indigenous Chamorros becoming a minority in their homeland,

Aware of the potential for diversifying and developing the economy of Guam through commercial fishing and agriculture and other viable activities,

Recalling the dispatch in 1979 of a United Nations visiting mission to the Territory, and noting the recommendation of the 1996 Pacific regional seminar for sending a visiting mission to Guam,[11]

Taking note with interest of the statements made and the information on the political and economic situation in Guam provided by the representatives of the Territory at the 5th meeting of the Fourth Committee on 3 October 2002,[12]

Concerned that the 2001 census figures in the Territory show that 23 per cent of the population lives in poverty,

1. *Calls upon* the administering Power to take into consideration the expressed will of the Chamorro people as supported by Guam voters in the plebiscite of 1987 and as provided for in Guam law, encourages the administering

[11] See A/AC.109/2058, para. 33 (20).

[12] See *Official Records of the General Assembly, Fifty-seventh Session, Fourth Committee*, 5th meeting (A/C.4/57/SR.5), and corrigendum.

Power and the territorial Government of Guam to enter into negotiations on the matter, and requests the administering Power to inform the Secretary-General of progress to that end;

2. *Requests* the administering Power to continue to assist the elected territorial Government in achieving its political, economic and social goals;

3. *Also requests* the administering Power, in cooperation with the territorial Government, to continue to transfer land to the original landowners of the Territory;

4. *Further requests* the administering Power to continue to recognize and respect the political rights and the cultural and ethnic identity of the Chamorro people of Guam, and to take all necessary measures to respond to the concerns of the territorial Government with regard to the question of immigration;

5. *Requests* the administering Power to cooperate in establishing programmes specifically intended to promote the sustainable development of economic activities and enterprises, noting the special role of the Chamorro people in the development of Guam;

6. *Also requests* the administering Power to continue to support appropriate measures by the territorial Government aimed at promoting growth in commercial fishing and agricultural and other viable activities;

7. *Calls upon* the administering Power to facilitate a visiting mission to Guam as requested by the territorial Government;

VII. Montserrat

Taking note with interest of the statements made and the information on the political and economic situation in Montserrat provided by the Chief Minister of the Territory to the Caribbean regional seminar, held at The Valley, Anguilla, from 20 to 22 May 2003,[13]

Noting with concern the dire consequences of the volcanic eruption, which led to the evacuation of three quarters of the Territory's population to safe areas of the island and to areas outside the Territory, in particular Antigua and Barbuda and the United Kingdom of Great Britain and Northern Ireland, and which continues to have enduring consequences upon the economy of the island,

Welcoming the continued assistance provided to the Territory by States members of the Caribbean Community, in particular Antigua and Barbuda, which has offered safe refuge and access to educational and health facilities, as well as employment for thousands who have left the Territory,

Noting the continuing efforts of the administering Power to deal with the consequences of the volcanic eruption,

Noting with concern that a number of the inhabitants of the Territory continue to live in shelters because of volcanic activity,

Noting that the Chief Minister of Montserrat assumed the chairmanship of the Organization of Eastern Caribbean States in May 2003,

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[13] See A/58/23 (Part I), chap. II, annex, para. 24. For the final text, see *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 23*.

1. *Calls upon* the administering Power, the specialized agencies and other organizations of the United Nations system, as well as regional and other organizations, to continue to provide assistance to the Territory in alleviating the consequences of the volcanic eruption;

2. *Takes note* of the completion of the report of the Constitutional Review Commission prepared after extensive consultations with Montserratians both in the Territory and abroad and the consensus that, while Montserratians reserve the right to future self-determination, independence is not a priority given the present socio-economic status of the Territory;

VIII. Pitcairn

Taking into account the unique nature of Pitcairn in terms of population and area,

Welcoming the participation of a representative of the Mayor of Pitcairn in the Caribbean regional seminar at The Valley, Anguilla, from 20 to 22 May 2003, and taking note of the concerns expressed by him with regard to the ongoing court case in the Territory,[14]

Requests the administering Power to continue its assistance for the improvement of the economic, social, educational and other conditions of the population of the Territory and to continue its discussions with the representatives of Pitcairn on how best to support its economic security;

IX. Saint Helena

Taking into account the unique character of Saint Helena, its population and its natural resources,

Aware of the efforts of the administering Power and the territorial authorities to improve the socio-economic conditions of the population of Saint Helena, in particular as regards food production, continuing high unemployment and limited transport and communications,

Noting with concern the problem of unemployment on the island and the joint action of the administering Power and the territorial Government to deal with it,

1. *Welcomes* the acceptance by the administering Power of the majority of the proposals for constitutional change made by the territorial Government;

2. *Requests* the administering Power and relevant international organizations to continue to support the efforts of the territorial Government to address the socio-economic development challenges, including the high unemployment and the limited transport and communications problems;

X. Turks and Caicos Islands

Noting that the People's Democratic Movement was elected to a third consecutive term in the Legislative Council elections held in March 2003,

[14] See A/58/23 (Part I), chap. II, annex, para. 27. For the final text, see *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 23*.

Also noting the efforts by the Government of the Territory to strengthen financial management in the public sector, including efforts to increase revenue,

Noting with concern the vulnerability of the Territory to drug trafficking and related activities, as well as its problems caused by illegal immigration, and noting the need for continued cooperation between the administering Power and the territorial Government in countering drug trafficking and money-laundering,

Noting that the Chief Minister was elected as the chairman of the newly established Overseas Countries and Territories Association of Europe,

1. *Welcomes* the establishment of the Constitutional Review Commission, which embarked on a public education programme on the Constitution, ascertained the views of the population and made recommendations to the administering Power on changes which may be envisaged, pursuant to the recommendations as stated in its White Paper entitled "Partnership for Progress and Prosperity: Britain and the Overseas Territories";[10]

2. *Calls upon* the administering Power and the relevant regional and international organizations to continue to provide assistance for the improvement of the economic, social, educational and other conditions of the population of the Territory;

3. *Calls upon* the administering Power and the territorial Government to continue to cooperate to counter problems related to money-laundering, smuggling of funds and other related crimes, as well as drug trafficking;

XI. United States Virgin Islands

Taking note with interest of the statements made and the information provided by the representative of the Governor of the Territory to the Caribbean regional seminar, held at The Valley, Anguilla, from 20 to 22 May 2003,[15]

Noting the continuing interest of the territorial Government in seeking associate membership in the Organization of Eastern Caribbean States and observer status in the Caribbean Community and the current request by the Territory to the administering Power for the delegation of authority to proceed,

Noting also the expressed interest of the territorial Government to be included in regional programmes of the United Nations Development Programme,

Noting further the necessity of further diversifying the economy of the Territory,

Noting the efforts of the Government of the Territory to promote the Territory as an offshore financial services centre,

Recalling that the Territory has not received a United Nations visiting mission since 1977, and bearing in mind the formal request of the Territory for such a mission in 1993 to assist the Territory in its political education process and to observe the Territory's only referendum on political status options in its history,

[15] See A/58/23 (Part I), chap. II, annex, para. 30. For the final text, see *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 23*.

Noting that the Territory commemorated its annual British Virgin Islands-United States Virgin Islands Friendship Day on 31 May 2003 in Charlotte Amalie, St. Thomas,

1. *Requests* the administering Power to continue to assist the territorial Government in achieving its political, economic and social goals;

2. *Once again requests* the administering Power to facilitate the participation of the Territory, as appropriate, in various organizations, in particular the Organization of Eastern Caribbean States, the Caribbean Community and the Association of Caribbean States;

3. *Calls* for the inclusion of the Territory in regional programmes of the United Nations Development Programme, consistent with the participation of other Non-Self-Governing Territories;

4. *Notes* the economic difficulties being experienced by the territorial Government and the fiscal austerity measures being implemented, and others proposed, to relieve the Territory's cash flow shortage, and calls upon the administering Power to continue to provide every assistance required by the Territory to further alleviate the difficult economic situation, including, inter alia, the provision of debt relief and loans;

5. *Notes with interest* the entering into force in 2001 of the joint memorandum of cooperation on the exchange of artefacts between the Territory and Denmark, the Territory's former administering Power, as a companion agreement to the 1999 memorandum for the repatriation of archival material from the Danish colonial period, consistent with the Durban Declaration and Programme of Action, adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001,[16] and once again requests the United Nations Educational, Scientific and Cultural Organization, under its records and archives management programme, to assist the Territory in carrying out its archival and artefacts initiative;

6. *Notes* the position of the territorial Government, including its articulation in resolution 1609 of 9 April 2001 of the 24th Legislature of the United States Virgin Islands, opposing the assumption by the administering Power of submerged land in territorial waters, having regard to relevant resolutions of the General Assembly on the ownership and control of natural resources, including marine resources, by the people of the Non-Self-Governing Territories and its calls for the return of those marine resources to the people of the Territory;

7. *Notes with concern* that the 2000 census figures for the Territory indicate that 32.5 per cent of the population is living in poverty.

[16] See A/CONF.189/12 and Corr.1, chap. I.

Draft resolution IV
Question of Western Sahara

The General Assembly,

Having considered in depth the question of Western Sahara,

Reaffirming the inalienable right of all peoples to self-determination and independence, in accordance with the principles set forth in the Charter of the United Nations and General Assembly resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling its resolution 57/135 of 11 December 2002,

Recalling also all resolutions of the General Assembly and the Security Council on the question of Western Sahara,

Recalling further Security Council resolutions 658 (1990) of 27 June 1990 and 690 (1991) of 29 April 1991, by which the Security Council approved the settlement plan for Western Sahara,[1]

Recalling Security Council resolutions 1359 (2001) of 29 June 2001 and 1429 (2002) of 30 July 2002, as well as resolution 1495 (2003) of 31 July 2003, in which the Council expressed its support of the peace plan for self-determination of the people of Western Sahara[2] as an optimum political solution on the basis of agreement between the two parties,

Taking note of the responses of the parties and neighbouring States to the Personal Envoy of the Secretary-General, concerning the peace plan, contained in the report of the Secretary-General of 23 May 2003,[3]

Reaffirming the responsibility of the United Nations towards the people of Western Sahara,

Noting with satisfaction the entry into force of the ceasefire in accordance with the proposal made by the Secretary-General,[4] and stressing the importance it attaches to the maintenance of the ceasefire as an integral part of the settlement plan,

Underlining, in this regard, the validity of the settlement plan, while noting the fundamental differences between the parties in its implementation,

Stressing that the lack of progress in the settlement of the dispute on Western Sahara continues to cause suffering to the people of Western Sahara, remains a source of potential instability in the region and obstructs the economic development of the Maghreb region and that, in view of this, the search for a political solution is critically needed,

Welcoming the efforts of the Secretary-General and his Personal Envoy in search of a mutually acceptable political solution, which will provide for self-determination of the people of Western Sahara,

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[1] See S/21360 and S/22464 and Corr.1.
[2] S/2003/565 and Corr.1, annex II.
[3] S/2003/565 and Corr.1.
[4] See A/58/171.

Having examined the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,[5]

Having also examined the report of the Secretary-General,[4]

1. *Takes note* of the report of the Secretary-General;[4]

2. *Underlines* Security Council resolution 1495 (2003), in which the Council expressed its support of the peace plan for self-determination of the people of Western Sahara as an optimum political solution on the basis of agreement between the two parties;

3. *Continues to support strongly* the efforts of the Secretary-General and his Personal Envoy in order to achieve a mutually acceptable political solution to the dispute over Western Sahara;

4. *Commends* the Secretary-General and his Personal Envoy for their outstanding efforts and the two parties for the spirit of cooperation they have shown in the support they provide for those efforts;

5. *Calls upon* all the parties and the States of the region to cooperate fully with the Secretary-General and his Personal Envoy;

6. *Reaffirms* the responsibility of the United Nations towards the people of Western Sahara;

7. *Calls upon* the parties to cooperate with the International Committee of the Red Cross in its efforts to solve the problem of the fate of the people unaccounted for, and calls upon the parties to abide by their obligations under international humanitarian law to release without further delay all those held since the start of the conflict;

8. *Requests* the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara and to report thereon to the General Assembly at its fifty-ninth session;

9. *Invites* the Secretary-General to submit to the General Assembly at its fifty-ninth session a report on the implementation of the present resolution.

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[5] See A/58/23 (Part II), chap. VIII. For the final text, see *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 23*.

27. The Special Political and Decolonization Committee (Fourth Committee) also recommends to the General Assembly the adoption of the following draft decision:

Question of Gibraltar

The General Assembly, recalling its decision 57/526 of 11 December 2002, and recalling at the same time that the statement agreed to by the Governments of Spain and the United Kingdom of Great Britain and Northern Ireland at Brussels on 27 November 1984,[1] stipulates, inter alia, the following:

> "The establishment of a negotiating process aimed at overcoming all the differences between them over Gibraltar and at promoting cooperation on a mutually beneficial basis on economic, cultural, touristic, aviation, military and environmental matters. Both sides accept that the issues of sovereignty will be discussed in that process. The British Government will fully maintain its commitment to honour the wishes of the people of Gibraltar as set out in the preamble of the 1969 Constitution",

takes note of the fact that, as part of this process, the Ministers for Foreign Affairs of Spain and the United Kingdom of Great Britain and Northern Ireland hold annual meetings alternately in each country, the most recent of which were held in Barcelona on 20 November 2001 and in London on 4 February 2002, and urges both Governments to continue their negotiations with the object of reaching a definitive solution to the problem of Gibraltar in the light of relevant resolutions of the General Assembly and in the spirit of the Charter of the United Nations.

[1] A/39/732, annex.